

**IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT
OF PENNSYLVANIA
AT PITTSBURGH**

DIANA FRICK and JOSEPH FRICK, her
husband

Plaintiffs

vs.

BIG LOTS STORES, INC.

Defendant

CASE NO. 2:15-cv-00360-DSC

JURY TRIAL DEMANDED

**DEFENDANT BIG LOTS STORES,
INC.'S MOTION TO EXTEND TIME
FRAME TO FILE A RESPONSIVE
PLEADING**

FILED ON BEHALF OF:
DEFENDANT, BIG LOTS STORES, INC.

COUNSEL OF RECORD FOR
THIS/THESE PARTIES:

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JURY TRIAL DEMANDED

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Defendant

**DEFENDANT BIG LOTS STORES, INC.'S MOTION TO EXTEND TIME
FRAME TO FILE A RESPONSIVE PLEADING**

COMES NOW, the Defendant BIG LOTS STORES, INC., by counsel, Jason G. Wehrle, Joshua K. Boggs, Ryan Mick, and the law firm of Mintzer, Sarowitz, Zeris, Ledva, & Meyers, LLP, pursuant to Rule 6 of Federal Rules of Civil Procedure, and for good cause shown, hereby moves this Court to enter an Order extending the time frame for Defendant Big Lots Stores, Inc. to file a responsive pleading to Plaintiffs' Complaint to allow Defendant additional time to investigate the facts giving rise to Plaintiffs' Complaint such that meaningful responses can be made to the allegations contained therein. Prior to filing this motion, undersigned counsel requested an extension of time from Plaintiffs' counsel, however, counsel refused said request.

This extension of time is being requested in good faith and not in an effort to harass or annoy Plaintiff. Further, Defendant is not seeking this extension as a means to unduly delay the progression of this case. Rather, Defendant is requesting the extension for additional time in order to obtain the information necessary to file a comprehensive and accurate response to Plaintiffs' Complaint. Accordingly, to avoid undue prejudice,

Defendant moves the court for an additional seven (7) days to respond to Plaintiffs' Complaint.

WHEREFORE, based upon the foregoing, Defendant Big Lots Stores, Inc. moves this Court to enter an Order granting it an extension of seven (7) days to file a responsive pleading in this matter and such further and other relief as the Court deems proper.

**MINTZER, SAROWITZ, ZERIS, LEDVA
& MEYERS, LLP**

/s/ Joshua K. Boggs

BY: _____

JASON G. WEHRLE, ESQUIRE
JOSHUA K. BOGGS, ESQUIRE
RYAN R. MICK, ESQUIRE
Attorney for Defendant, BIG LOTS STORES,
INC.

CERTIFICATE OF SERVICE

I, hereby certify that on April 30, 2015, I electronically filed the foregoing with the Clerk of Court using the CM/EMF system, which will send notification of such filing to all counsel of record.

**MINTZER, SAROWITZ, ZERIS, LEDVA
& MEYERS, LLP**

/s/ Joshua K. Boggs

BY: _____

JASON G. WEHRLE, ESQUIRE
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